IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27319 of 2005

Between:

G.Madhusudhan Naidu

..... PETITIONER

AND

Govt of A.P., Rep by the Commissioner of Endowments,

Endowments Department, Tilak Road,

Hyderabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in proposing to conduct an open auction, inter alia, for Shop Nos.1 and 2 in the new Shopping Complex of the 2nd respondent Devasthanam at Kanipakam contrary to condition No.10 of the proceedings of the

2nd respondent Devasthanam in RC No.A2/192/2004, dated 25.02.2004, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner submits that he was the auction purchaser in respect of Shop Nos.3 and 4 in the shopping complex of the

2nd respondent Devasthanam to establish a stall for selling all the things which are essential for worship of God and other purposes, except cigarettes, Pan Parags, lottery tickets and other prohibited items. It is further stated that Shop Nos.1 and 2 were retained with the Devasthanam to make use of the same for publication purpose under Condition No.10 of the Tender Schedule dated 25.02.2004. It is also stated that under Condition No.12 of the Tender Schedule dated 25.02.2004, no doubt, the Devasthanam is also entitled to sell all the items which are being sold by other auction purchaser.

The learned counsel for the petitioner submits that contrary to the conditions of the Tender Schedule dated 25.02.2004, the 2nd respondent issued a Tender Notification dated 16.12.2005, calling applications for the auction of not only shop Nos.1 and 2, but also in respect of other shops. The grievance of the petitioner is in respect of Notification dated 16.12.2005, calling applications for the auction of Shop Nos.1 and 2 only. However, the petitioner submits that he will avail the remedy available for him before the appropriate civil court. Therefore, I am not inclined to express any opinion as to whether the 2nd respondent has violated any terms and conditions of the Tender Schedule dated 25.02.2004 by issuing the auction notification dated

16.12.2005 for disposal of shop Nos.1 and 2.

Accordingly, the Writ Petition is dismissed, giving liberty to the petitioner to avail the remedy before the appropriate Civil Court. No order as to costs.

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V.ESWARAIAH,J

Dated: 22.12.2005

Dsr